UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,168	06/24/2003	George W. Erhart	502073-A-01-US (Erhart)	9438

7590	12/16/2005

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EXAMINER
GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/602,168	ERHART ET AL.
	Examiner	Art Unit	
	Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
> THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
>   after SIX (6) MONTHS from the mailing date of this communication.
> - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
>   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
>   earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)	4)☐ Interview Summary (PTO-413)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5)☐ Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date ~~09/04/03~~	6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

> 1.   Determining the scope and contents of the prior art.
> 2.   Ascertaining the differences between the prior art and the claims at issue.
> 3.   Resolving the level of ordinary skill in the pertinent art.
> 4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

3.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

4.   **Claim(s) 1-10, 12-22, 24 and 25** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Gandhi et al. (US 2004/0015351 A1) in view of Stuart et al. (US

6,868,154 B1).

Regarding **claim(s) 1, 18 and 19**, Gandhi discloses a method for validating a

textual entry of spoken words of a caller (FIG. 5 and paragraph 0002), comprising:

monitoring a textual entry of the spoken words (FIG. 5 and paragraph 0040) [The

test personnel can listen to the audio segments and manually transcribe the user

spoken utterances and includes the text with the information extracted, thereby

monitoring a textual entry of the spoken words];

converting the spoken words to text using a speech recognition technique (FIG. 5

and paragraph 0040) [The speech engine process the audio segments to determine the

recognized text, thereby converting the spoken words to text using a speech recognition

technique].

Gandhi discloses the speech recognition system manages telephone calls from

the users (paragraph 0024) but fails to disclose a system that receives a telephone call

from the caller and comparing the textual entry to the converted text to confirm an

accuracy of the textual entry substantially during said telephone call.

However, Stuart in the same field of endeavor teaches a method that receives a

telephone call from the caller (column 9, lines 55-59); and

comparing the textual entry to the converted text to confirm an accuracy of the textual entry substantially during said telephone call (column 9, line 55 to column 10, line 20).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the speech recognition system of Gandhi using the teaching of a speech recognition applied during a phone call as taught by Stuart.

This modification of the invention enables the system to receive telephone calls as commands so that the system would provide useful information based on the state of the interaction of the caller and the agent.

Regarding **claim(s) 2**, Gandhi as modified discloses a method for validating a textual entry of spoken words of a caller, further comprising the step of recording the spoken words (FIG. 2 and paragraph 0029) [The speech recognition system 205 records the actual user speech and stores it within the audio data store 225].

Regarding **claim(s) 3**, Gandhi as modified discloses a method for validating a textual entry of spoken words of a caller, further comprising the step of time-stamping the recording (FIG. 5 and paragraph 0039) [The transaction logs stores information such as the date and time information of the recording].

Regarding **claim(s) 4, 13 and 20**, Stuart teaches the step of constraining the comparing step to a recent audio stream (column 9, lines 55-59).

Regarding **claim(s) 5**, Stuart teaches the step of constraining the comparing step

to a recent audio stream corresponding to a completed field in a user interface (column

9, lines 55-59).

Regarding **claim(s) 6**, Stuart teaches the step of constraining the comparing step

to a recent audio stream since a previous field was completed (column 9, lines 55-59).

Regarding **claim(s) 7**, Gandhi as modified discloses a method for validating a

textual entry of spoken words of a caller, further comprising the step of notifying an

agency of an error (FIG. 6-9 and paragraph 0046) [The transaction selection GUI 700 is

presented to the test personnel for error and manual verification process by play the

audio segment].

Regarding **claim(s) 8**, Gandhi as modified discloses a method for validating a

textual entry of spoken words of a caller, further comprising the step of correcting a

detected error (FIG. 6-9 and paragraph 0046) [The test personnel can correct errors

found in the transcribed text by listen to the spoken words].

Regarding **claim(s) 9**, Gandhi as modified discloses a method for validating a

textual entry of spoken words of a caller, further comprising the step of suggesting at

least one alternative for a detected error (FIG. 5 and paragraph 0040) [The test

personnel listen to the spoken words as an alternative to the detected error].

Regarding **claim(s) 10**, Gandhi as modified discloses a method for validating a textual entry of spoken words of a caller, further comprising the step of selecting the speech recognition technique based on properties of the spoken words (FIG. 5 and paragraph 0040 and 0041) [The test personnel based on conditions of the recognition results that the speech recognition system may not be able to detect therefore transcribe the user spoken utterance to text, thereby selecting the speech recognition technique based on properties of the spoken words].

Regarding **claim(s) 12**, Gandhi in combination with Stuart disclose all the limitation of **claim(s) 12** as stated in **claim(s) 1**'s rejection and furthermore Gandhi discloses a memory (FIG. 2 and paragraph 0029); and

at least one processor (230 on FIG. 2 , coupled to the memory (FIG. 2 and paragraph 0032) [The statistical processor 230 can access the data store 220].

Regarding **claim(s) 14**, Gandhi as modified discloses an apparatus for validating a textual entry of spoken words of a caller, wherein the processor is further configured to notify an agent of an error (FIG. 6-9 and paragraph 0046) [The transaction selection GUI 700 is presented to the test personnel for error and manual verification process by play the audio segment].

Regarding **claim(s) 15**, Gandhi as modified discloses an apparatus for validating a textual entry of spoken words of a caller, wherein the processor is further configured

to correct a detected error (FIG. 6-9 and paragraph 0046) [The test personnel can

correct errors found in the transcribed text by listen to the spoken words].

Regarding **claim(s) 16**, Gandhi as modified discloses an apparatus for validating

a textual entry of spoken words of a caller, wherein the processor is further configured

to suggest at least one alternative for a detected error (FIG. 5 and paragraph 0040)

[The test personnel listen to the spoken words as an alternative to the detected error].

Regarding **claim(s) 17**, Gandhi as modified discloses an apparatus for validating

a textual entry of spoken words of a caller, wherein the processor is further configured

to select the speech recognition technique based on properties of the spoken words

(FIG. 5 and paragraph 0040 and 0041) [The test personnel based on conditions of the

recognition results that the speech recognition system may not be able to detect

therefore transcribe the user spoken utterance to text, thereby selecting the speech

recognition technique based on properties of the spoken words].

Regarding **claim(s) 21**, Stuart teaches a method for validating a spoken delivery

of a textual script further comprising the step of notifying an agent of an error (column 9,

lines 27-40).

Regarding **claim(s) 22**, Gandhi as modified discloses the step of selecting the speech recognition technique based on properties of the textual script (FIG. 5 and paragraph 0040 and 0041) [The test personnel based on conditions of the recognition results that the speech recognition system may not be able to detect therefore transcribe the user spoken utterance to text, thereby selecting the speech recognition technique based on properties of the textual script].

Regarding **claim(s) 24 and 25**, Stuart teaches a method, wherein said converting step employs a field specific speech grammar for validating a spoken delivery of a textual script further comprising the step of notifying an agent of an error (column 9, lines 27-40).

5.   **Claim(s) 11 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gandhi in view of Stuart as applied to **claim(s) 1 and 19** above, and further in view of Epstein (US 6,754,626 B2).

Regarding **claim(s) 11**, Gandhi in combination with Stuart as applied to **claim(s) 1** above differ from **claim(s) 11** in that it fails to disclose the accuracy is confirmed by comparing a confidence score to a threshold value.

However, Epstein, in the same field of endeavor, teaches a method for validating a textual entry of spoken words of a caller, wherein the accuracy is confirmed by

comparing a confidence score to a threshold value (FIG. 6 and column 13, lines 5-17)

[The speech recognition system can identify text with a confidence score above a

predetermined minimum threshold value].

Therefore, it would have been obvious to one of the ordinary skill in the art at the

time the invention was made to modify the speech recognition system of Gandhi as

modified using the recognition system as taught by Epstein.

This modification of the invention enables the system to generate a confidence

score to a threshold value so that the system would identify one contextual model

producing text.

Regarding **claim(s) 23**, Epstein in the same field of endeavor teaches a method

for validating a spoken delivery of a textual script, wherein the accuracy is confirmed by

comparing a confidence score to a threshold value (FIG. 6 and column 13, lines 5-17)

[The speech recognition system can identify text with a confidence score above a

predetermined minimum threshold value].

Response to Arguments

6.   Applicant's arguments with respect to **claim(s) 1-25** have been considered but

are moot in view of the new ground(s) of rejection.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

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December 4, 2005
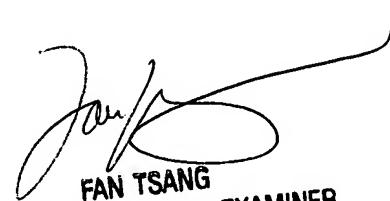
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